

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSEPH GARRISON,

Defendant.

**Affirmation in Support of
Application for Order of
Continuance**

23 Mag. 3947

State of New York)
County of New York : ss.:
Southern District of New York)

Kevin Mead, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated May 15, 2023, with violations of 18 U.S.C. §§ 371, 1030, 1349, 1343, 1028A, and 2. The defendant was arrested on May 18, 2023, and was presented in this District before Magistrate Judge Cott on that same date, at which proceeding the defendant was represented by Clay Kaminsky, Esq., and ordered released on bail with certain conditions.

3. At the presentment on May 18, 2023, a preliminary hearing was scheduled for June 20, 2023, after defense counsel consented to extend the deadline within which to conduct a preliminary hearing. Under the Speedy Trial Act, the Government had until June 20, 2023, within

which to file an indictment or information. *See* 18 U.S.C. § 3161(b). On or about June 20, 2023, the Government sought a first 30-day continuance to continue discussing the possibility of resolution, and the Court granted a first 30-day continuance until July 18, 2023. On or about July 17, 2023, the Government sought a second 30-day continuance to continue discussing the possibility of resolution, and the Court granted a second 30-day continuance until August 17, 2023. On or about August 15, 2023, the Government sought a third 30-day continuance to continue discussing the possibility of resolution, and the Court granted a third 30-day continuance until September 18, 2023. On or about September 14, 2023, the Government sought a fourth 30-day continuance to continue discussing the possibility of resolution, and the Court granted a fourth 30-day continuance until October 18, 2023.

5. Defense counsel and I have had discussions regarding a possible disposition of this case. The parties plan to continue our discussions, but do not anticipate a resolution before October 18, 2023.

6. Therefore, the Government requests a 30-day continuance until November 17, 2023, to continue the foregoing discussions toward resolving this matter. On October 6, I personally spoke on the phone with defense counsel, who stated that the defendant consents to an extension of the preliminary hearing and Speedy Trial Act deadlines to November 17, 2023, and has specifically consented to this request.

7. This application has been authorized by Assistant United States Attorney Andrew Dember, Deputy Chief of the Criminal Division

8. For the reasons stated above, good cause supports the extension of the preliminary

hearing deadline, and the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
October 12, 2023

/s/ Kevin Mead
Kevin Mead
Assistant United States Attorney
212-637-2211